

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)

v.)

Criminal No. 1:21-CR-145

JOSEPH POWLES)

NICHOLAS BAGGIO)

ALEXIS FIGUEROA)

ANDREW MARSZALEK)

OSCAR MARTINEZ)

JEOVANNY SHULTZ,)

Defendants)

FILED
HARRISBURG, PA

MAY 19 2021

Per

AAA
Deputy Clerk

INDICTMENT

COUNT ONE

Conspiracy to Commit Mail Fraud
18 U.S.C. § 1349

THE GRAND JURY CHARGES:

1. At all times material to this Indictment, the United States government has been taking steps to slow the spread of the novel coronavirus (COVID-19) and to mitigate its impact on the public's health and economic well-being.

2. On March 13, 2020, the President declared the ongoing COVID-19 pandemic to be an emergency.

3. On March 27, 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed into law. The CARES Act created the Pandemic Unemployment Assistance program, which provides unemployment benefits to individuals not eligible for regular unemployment compensation or extended unemployment benefits.

4. The Pandemic Unemployment Assistance program is administered by the various states, including the Commonwealth of Pennsylvania, but its benefits are funded in part by the federal government.

5. Individuals are only eligible for Pandemic Unemployment Assistance benefits if they are unemployed for reasons related to the COVID-19 pandemic and are available to work. In order to receive benefits, an individual must file a claim including his or her name, social security number, and address, as well as answer the eligibility questions.

6. On or about April 2020 to the present, in the Middle District of Pennsylvania and elsewhere, the defendants,

JOSEPH POWLES,
NICHOLAS BAGGIO,
ALEXIS FIGUEROA,
ANDREW MARSZALEK,

OSCAR MARTINEZ, and
JEOVANNY SHULTZ

did knowingly and intentionally conspire and agree with each other and persons known and unknown to the grand jury to commit the following offense against the United States: to devise a scheme and artifice to defraud another, specifically the Commonwealth of Pennsylvania and the United States, and to obtain money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing the scheme and artifice and attempting to do so caused mail matter to be sent by the Postal Service, in violation of 18 U.S.C. Section 1341.

7. It was a part of the conspiracy that from April 2020 to the present, the participants did the following:

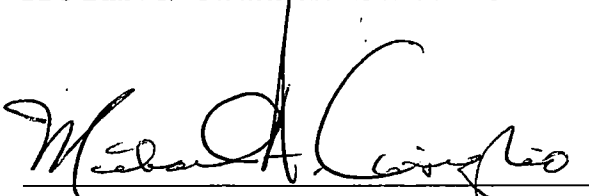
- gathered personal identification information for inmates housed with the Pennsylvania Department of Corrections,
- communicated that information to conspirators outside of the prison system,
- filed claims with the Commonwealth of Pennsylvania falsely indicating that the inmates were eligible for

Pandemic Unemployment Assistance,

- directed the payment of tens of thousands of dollars in unemployment benefits to designated locations, including but not limited to addresses in New Cumberland,
- caused the Commonwealth of Pennsylvania to mail benefits and correspondence to the designated addresses, and
- collected the mailings and accessed the unemployment benefits.

In violation of Title 18, United States Code, Section 1349.

BRUCE D. BRANDLER
ACTING UNITED STATES ATTORNEY


By: Michael A. Consiglio
Assistant United States Attorney

A TRUE BILL:


Grand Jury Foreperson

5/19/2021
Date